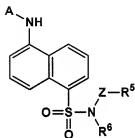


Reconsideration and withdrawal of the Restriction Requirement are respectfully requested in view of the remarks which follow.

### REMARKS

Entry of new claims 14-25 is respectfully requested, wherein claims 1-25 are pending in this application. Support for amended claim 10 and new claims 14-25 is found throughout the specification and specifically, for example, on pages 62-67; medicaments, as well as methods of use, are discussed on page 89.

Specifically with regard to the amendments to claim 10, Applicants respectfully submit that the support is provided, at least as follows: Claim 1 provides for the exclusion of the following compounds:



wherein A represents a hydrogen atom or an acyl group,  $R^5$  represents a cyclic group which may be substituted, Z represents a single bond or a  $C_1$  to  $C_4$  alkylene group which may be substituted, or when Z is substituted, said substituent may bind to  $R^5$  to form a ring group,  $R^6$  represents hydrogen atom or a  $C_1$  to  $C_6$  alkyl group which may be substituted, or  $R^6$  may bind to Z or  $R^5$  to form a cyclic group. These alternatives at positions Z,  $R^5$ , and  $R^6$  provide support for the pendent ring groups shown in claim 10.

In the generic compound excluded in claim 1, the sulfonyl group represents "Y" of the general formula (I) of claim 1, which claim 1 indicates may be pendent from

position  $R^3$  or  $R^4$  (the other being a hydrogen atom). While the exemplified generic excluded compound shows the group at the  $R^3$  position, it is clear from the definitions for general formula (I) that the group may alternatively be attached at the  $R^4$  position. Thus, the attachment of said group at the  $R^4$  position is also provided.

Turning to the  $R^1$  position on the compounds recited as excluded in claim 10, Applicants note that one of the compounds shows an amide linkage at the  $R^1$  position, which is explicitly provided for in claim 1 ("one of  $R^1$  and  $R^2$  represents hydrogen atom and the other represents the formula  $-X-A$  wherein A represents hydrogen atom or an acyl group, X represents oxygen atom or  $NH$ "). Applicants also respectfully note that the compound previously recited in claim 10 as excluded has  $-OH$  at the  $R^1$  position, showing that compounds in which "X represents oxygen atom" are expressly contemplated as excluded. Thus, the oxygen-linked  $R^1$  groups shown in the compounds excluded in claim 10 also find support in the specification.

Overall, given the extensive disclosure of alternatives at all of the positions shown in the disclosed compounds, combined with the express contemplation of exclusion of sub-genera as well as particular species, it is clear that Applicants were in possession of the exclusion of the compounds referred to in claim 10 at the time of filing of the application. Accordingly, Applicants submit that no new matter has been added to the application and that all new claims are fully supported by the specification.

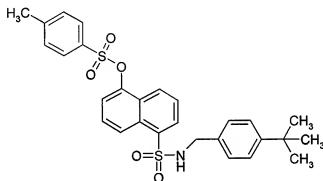
### **Restriction Requirement**

The Office Action asserts that the species of the invention lack unity of invention because they are not so linked as to form a single inventive concept under PCT rule 13.1

and 13.2. The Office Action relies on a compound described at column 11, example 15 of U.S. Patent No. 5,707,985 to McKenzie et al. ("USP '985") to show lack of unity.

### Election

For purpose of examination, Applicants elect compound 1-7 (page 62), i.e., N-[4-(tert-butyl)benzyl]-5-[[[(4-methylphenyl)sulfonyl]oxy]naphthalene-1-sulfonamide as a single species:



Claims 1-25 are readable on the elected compound.

### Traverse

Applicants respectfully traverse the restriction requirement. The Office Action alleges that unity of invention is not present because a single species, namely the compound in Example 15 of USP'985 allegedly falls within the scope of general formula (I). The Action requires that Applicants elect a single species for purposes of examination.


Applicants note that this application is a national stage, and thereby under unity of invention practice, the Examiner must establish that the claims lack unity of invention under PCT Rule 13.1 and 37 C.F.R. 1.475. The requirement does not discuss 37 C.F.R.

1.475, and therefore does not set forth an appropriate basis for finding a lack of unity of invention.

In view of the forgoing, Applicants request withdrawal of the Restriction Requirement.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
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